

**MEDICAL EXAMINING BOARD  
MINUTES  
AUGUST 15, 2012**

**PRESENT:** James Barr; Carolyn Bronston; Mary Jo Capodice, DO; Rodney Erickson, MD; Jude Genereaux; Gene Musser, MD; Sandra Osborn, MD; Kenneth Simons, MD; Timothy Swan, MD; Sridhar Vasudevan, MD; Sheldon Wasserman, MD; Timothy Westlake, MD

**EXCUSED:** Suresh Misra, MD

**STAFF:** Tom Ryan, Executive Director; Sandra Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

**GUESTS:** Mark Grapentine and Michelle Leiker, Wisconsin Medical Society; Julie Doyle, Council on Physician Assistants; Charles Shabino and Laura Leitch, WHA; Scott Becher, Becher Group; Eric Jensen, WAPA; Jeremy Levin, RWHC; Bob Phillips, Marshfield Clinic, David Wahlberg, Wisconsin State Journal

**CALL TO ORDER**

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:00 a.m. A quorum of twelve (12) members was confirmed.

**INTRODUCTION OF NEW BOARD MEMBERS**

James Barr is the new public member.

**RECOGNITION OF BOARD MEMBERS**

**MOTION:** Sandra Osborn moved, seconded by Gene Musser, to send a letter to LaMarr Franklin to thank him for his service and dedication to the Board. Motion carried unanimously.

**ADOPTION OF AGENDA**

**Amendments:**

- Item 10d (open session) – Insert additional material after page 20
- Item 10e2 (open session) is removed from the agenda
- Item CS-5b (closed session) – Correct the case number to 11 MED 299
- Item CS-6a (closed session), Insert additional information after page 348
- Under DELIBERATION OF ITEMS RECEIVED AFTER PREPARATION OF THE AGENDA (closed session), Item I, insert – Petition for Mental Examination – 11 MED 315
- Case Status Report – insert at the end of the agenda in closed session

**MOTION:** Timothy Swan moved, seconded by Kenneth Simons, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JULY 18, 2012**

**MOTION:** Sandra Osborn moved, seconded by Timothy Swan, to approve the minutes of July 18, 2012 as written. Motion carried unanimously.

**ITEMS FOR BOARD DISCUSSION**

**Wis. Admin. Code Chapter MED 10 Discussion and Voting**

**MOTION:** Kenneth Simons moved, seconded by Carolyn Bronston that subject to technical legal revisions and review prior to public hearing, to accept the draft language as follows concerning wrong site surgery:

Performing any surgical or invasive procedure on the wrong patient, or at the wrong anatomical site or performing the wrong procedure on a patient.

Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by James Barr, to authorize Sheldon Wasserman to work with Legal Counsel, the Wisconsin Hospital Association and the Wisconsin Medical Society to write motions for the September 19, 2012 Board meeting. Motion carried unanimously.

**Legislative Report**

- **Wis. Admin. Code POD Chs. 1 and 3 Relating To Podiatry Temporary Education Permit and Continuing Education**

**MOTION:** Sridhar Vasudevan moved, seconded by Sandra Osborn, to approve the proposed rule draft to Wis. Admin. Code POD Chs. 1 and 3 relating to a podiatry temporary education permit and continuing education. Motion carried unanimously.

**Medical Examining Board Newsletter**

**MOTION:** Kenneth Simons moved, seconded by Timothy Swan, to approve the newsletter as amended and to move forward and publish the newsletter. Motion carried unanimously.

## **Board Outreach**

**MOTION:** Sandra Osborn moved, seconded by Sridhar Vasudevan, to approve Mary Jo Capodice to represent the Wisconsin Medical Examining Board at the American Association of Osteopathic Examiners (AAOE) Meeting on October 8, 2012 in San Diego, CA. Motion carried unanimously.

**MOTION:** Jude Genereaux moved, seconded by Kenneth Simons, to authorize Sridhar Vasudevan to represent the Wisconsin Medical Examining Board by offering his expertise and guidance to the Wisconsin Medical Society on its initiative concerning guidelines for opiate prescribing. This authorization does not include final approval by the Medical Examining Board of guidelines, policies or other instructional documents generated by the Wisconsin Medical Society. Motion carried unanimously.

## **SCREENING PANEL REPORT**

Carolyn Bronston reported thirty seven (37) cases were screened. Ten (10) cases were opened and one (1) ten-day letter was sent.

## **RECESS TO CLOSED SESSION**

**MOTION:** Sandra Osborn moved, seconded by Kenneth Simons, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: James Barr-yes; Carolyn Bronston-yes; Mary Jo Capodice-yes; Rodney Erickson-yes; Jude Genereaux-yes; Gene Musser-yes; Sandra Osborn-yes; Kenneth Simons-yes; Timothy Swan-yes; Sridhar Vasudevan-yes; Sheldon Wasserman-yes; Timothy Westlake-yes. Motion carried unanimously.

Open session recessed at 11:35 a.m.

## **RECONVENE IN OPEN SESSION**

**MOTION:** Sandra Osborn moved, seconded by Carolyn Bronston, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:35 p.m.

## ITEMS VOTED ON DURING CLOSED SESSION

### FULL BOARD ORAL EXAMINATION

**MOTION:** Jude Genereaux moved, seconded by Gene Musser, to table the review of the application for licensure for **Sandra A. Sieck, MD**, pending receipt of successful completion of the Board Certification Examination; at which time full licensure will be granted. Motion carried. Sridhar Vasudevan opposed.

### INTERVIEW FOR VISITING PROFESSOR LICENSE

**MOTION:** Sridhar Vasudevan moved, seconded by Carolyn Bronston, to grant a visiting professor license to **Charles H. C. Pilgrim, MD**, when all requirements are met. Motion carried. Kenneth Simons was excused during the interview and deliberation. Kenneth Simons and Sandra Osborn abstained.

### PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**MOTION:** Kenneth Simons moved, seconded by Carolyn Bronston, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against **Edwin E. Ferguson, Jr., MD (11 MED 137)**. Motion carried. Sridhar Vasudevan abstained.

**MOTION:** Kenneth Simons moved, seconded by Timothy Swan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Mark E. McDade, MD (11 MED 186)**. Motion carried. Jude Genereaux opposed.

**MOTION:** Kenneth Simons moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Eileen M. Reardon, MD (09 MED 431)**. Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Gope Hotchandani, MD (11 MED 197)**. Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Mark D. Stannard, MD (11 MED 404)**. Motion carried unanimously.

**PROPOSED ADMINISTRATIVE WARNING(S)**

- MOTION:** Carolyn Bronston moved, seconded by Gene Musser, to issue the Administrative Warning in case **10 MED 146 against respondent N.H., MD.** Motion carried unanimously.
- MOTION:** Sridhar Vasudevan moved, seconded by Carolyn Bronston, to issue the Administrative Warning in case **11 MED 121 against respondent R.P.R., MD.** Motion carried 6 to 4.
- MOTION:** Sandra Osborn moved, seconded by Sridhar Vasudevan, to issue the Administrative Warning in case **11 MED 396 against respondent P.L.S., MD.** Motion carried unanimously.
- MOTION:** Gene Musser moved, seconded by Timothy Swan, to issue the Administrative Warning in case **11 MED 356 against respondent K.S.F., MD.** Motion carried unanimously.
- MOTION:** Gene Musser moved, seconded by Timothy Swan, to reject the Administrative Warning in case **12 MED 130 against respondent J.K.M., MD.** Motion carried 6 to 4.

**CONSIDERATION OF COMPLAINT(S)**

- MOTION:** Sandra Osborn moved, seconded by Carolyn Bronston, to find probable cause to issue a complaint in the matter of **11 MED 299.** Motion carried. Gene Musser abstained.

**REQUEST FOR EQUIVALENCY OF ACGME APPROVED POST-GRADUATE TRAINING**

- MOTION:** Timothy Swan moved, seconded by Rodney Erickson, to grant the request from **Abdelhafeez H. Abdelhafeez, MD,** for equivalency of the ACGME approved post-graduate training. Motion carried. Kenneth Simons was excused during deliberation and abstained. Sridhar Vasudevan opposed.

**MONITORING**

- MOTION:** Timothy Swan moved, seconded by Kenneth Simons, to grant the request from **Jennifer L. Nolden, PA,** for a reduction in drug screens to twenty four (24) per year with one (1) annual hair test. Motion carried unanimously.

**MOTION:** Kenneth Simons moved, seconded by Gene Musser, to grant the request from **Bradley J. Schingen, RCP**, for termination of the therapy requirement. Motion carried unanimously.

#### **PETITION FOR MENTAL EXAMINATION**

**MOTION:** Gene Musser moved, seconded by Kenneth Simons, to grant the Division of Enforcement's Petition for Mental Examination involving respondent **G.A. (11 MED 315)** and order that respondent G.A. undergo a neuropsychological evaluation. Motion carried unanimously. Legal Counsel Sandy Nowack was excused during deliberation and voting.

#### **CASE CLOSINGS**

**MOTION:** Carolyn Bronston moved, seconded by Kenneth Simons, to close case **11 MED 297 against respondents M.H., MD, R.H., MD, and C.R., MD, for no violation, and against respondent S.S., MD, for insufficient evidence.** Motion carried unanimously.

**MOTION:** Sridhar Vasudevan moved, seconded by Timothy Swan, to close case **12 MED 005 for insufficient evidence.** Motion carried unanimously.

**MOTION:** Kenneth Simons, moved, seconded by Gene Musser, to close case **12 MED 151 for no violation.** Motion carried unanimously.

**MOTION:** Sridhar Vasudevan, moved, seconded by Sandra Osborn, to close case **11 MED 238 for insufficient evidence.** Motion carried unanimously.

**MOTION:** Gene Musser, moved, seconded by Sandra Osborn, to close case **12 MED 189 against respondents T.J.O, MD, and P.K.D., PA-C, for no violation.** Motion carried unanimously.

**MOTION:** Carolyn Bronston, moved, seconded by Kenneth Simons, to close case **12 MED 094 for no violation.** Motion carried unanimously.

**MOTION:** Timothy Swan moved, seconded by Sandra Osborn, to close case **11 MED 290 for insufficient evidence.** Motion carried unanimously.

**MOTION:** Kenneth Simons moved, seconded by Timothy Swan, to close case **12 MED 024 for no violation.** Motion carried unanimously.

**MOTION:** Carolyn Bronston moved, seconded by Kenneth Simons, to close case **12 MED 054 for insufficient evidence.** Motion carried unanimously.

**MOTION:** Timothy Swan moved, seconded by Kenneth Simons, to close case **12 MED 130 for compliance gained.** Motion carried unanimously.

**RATIFY ALL LICENSES AND CERTIFICATES**

**MOTION:** Sandra Osborn moved, seconded by Carolyn Bronston, to ratify all licenses and certificates as issued. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Kenneth Simons moved, seconded by Timothy Swan, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:39 p.m.